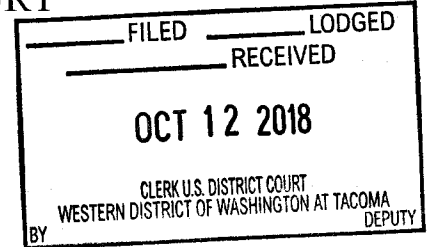


UNITED STATES DISTRICT COURT

for the
Western District of Washington



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

A Facebook account, more particularly described in
Attachment A

Case No.

MJ18-5235

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated by reference herein.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC 841(a)(1) and 846	Distribution of and Conspiracy to Distribute Controlled Substances

The application is based on these facts:

See Affidavit of DEA Special Agent Steve Meyer.

- ☒ Continued on the attached sheet.
☒ Delayed notice of 365 days (give exact ending date if more than 30 days: 10/11/2019) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Steve Meyer, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/12/18

Judge's signature

City and state: Tacoma, Washington

J. Richard Creatura, United States Magistrate Judge

Printed name and title

1 transactions involving the proceeds of specified unlawful activities; and conspiracies
2 associated with criminal narcotics offenses. These investigations have included use of
3 the following investigative techniques: confidential informants; undercover agents;
4 analysis of pen register, trap and trace, and toll records; physical and electronic
5 surveillance; wiretaps; and the execution of search warrants. I have had the opportunity
6 to monitor, listen to, review transcripts and line sheets (prepared by linguists)
7 documenting the content of intercepted conversations involving the trafficking of
8 cocaine, heroin, methamphetamine, and other narcotics, by persons who used some form
9 of code to thwart law enforcement. I have also interviewed defendants at the time of
10 their arrests and have debriefed, spoken with, or interviewed numerous drug dealers or
11 confidential sources (informants) at proffer interviews who were experienced in speaking
12 in coded conversations over the telephone. I have gained knowledge regarding the
13 various methods, techniques, codes, and/or jargon used by drug traffickers in the course
14 of their criminal activities, including their use of cellular telephones and other electronic
15 devices to facilitate communications while avoiding law enforcement scrutiny.

16 **PURPOSE OF AFFIDAVIT**

17 4. This Affidavit is submitted in support of an application for a search warrant
18 under Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A)
19 to require Facebook to disclose to the government records and other information in its
20 possession, pertaining to the subscriber or customer associated with the following
21 Facebook account (referred to as SUBJECT ACCOUNT 10):

22 a. Facebook user ID steve.larson.750983, registered under the name
23 STEVE LARSON.

24 5. All of the requested information is stored at premises owned, maintained,
25 controlled, or operated by Facebook, a social networking company headquartered in
26 Menlo Park, California. The information to be searched is described in the following
27 paragraphs and in Attachment B. This is the first application for a search warrant for
28 SUBJECT ACCOUNT 10 in this investigation.

6. Agents have identified Juan Andres CASTRO Valenzuela as a drug distribution coordinator operating out of Los Mochis, Mexico, along with his brother. Investigators believe the CASTRO brothers are directing drug operations in Western Washington, and possibly elsewhere. In order to communicate with distributors and drug customers, the CASTROs utilize a variety of applications, to include Facebook. To date, agents have identified nine Facebook 'Subject Accounts' connected to the CASTROs, and have executed search warrants on the accounts to review their contents. As described herein, the contents of the Subject Accounts have confirmed agents' beliefs regarding the CASTRO brothers and their drug trafficking activities. Recently, agents identified a tenth 'Subject Account,' under the username STEVE LARSON, which they also believe the CASTRO brothers are using for drug trafficking purposes. Through this Affidavit and Application, investigators are requesting authorization to search the contents of 'SUBJECT ACCOUNT 10.'

FACEBOOK INFORMATION STORAGE

7. I am aware from my experience and training, and consultation with other investigators, of the following information about Facebook:

8. Facebook owns and operates a free-access social networking website of the same name, accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

9. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail address(es), Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

1 10. I know from speaking with other law enforcement that “cookies” are small
2 files placed by a server (such as those used by Facebook) on a device to track the user
3 and potentially verify a user’s authentication status across multiple sites or
4 webpages. This cookie could be unique to a particular account (e.g., the Facebook
5 account) or to a given device (e.g., the particular phone used to access the Facebook
6 account). The next time a user visits a particular site or server, the server will ask for
7 certain cookies to see if the server has interacted with that user before. Cookies can also
8 be used to determine “machine cookie overlap,” or multiple accounts that have been
9 accessed by the same individual machine (e.g., two Facebook accounts that have been
10 accessed on the same phone). The machine cookie overlap thus allows Facebook to track
11 accounts that are “linked” to each other because the same user account (username on a
12 computer) on the same device accessed multiple Facebook accounts. This can identify
13 either multiple Facebook accounts used by the same person or different people sharing
14 the same user account and device. In either case, the machine cookie overlap means that
15 the users of the linked accounts are the same person or two people in close proximity to
16 each other (by virtue of them using the same device).

17 11. Facebook users may join one or more groups or networks to connect and
18 interact with other users who are members of the same group or network. Facebook
19 assigns a group identification number to each group. A Facebook user can also connect
20 directly with individual Facebook users by sending each user a “Friend Request.” If the
21 recipient of a “Friend Request” accepts the request, then the two users will become
22 “Friends” for purposes of Facebook and can exchange communications or view
23 information about each other. Each Facebook user’s account includes a list of that user’s
24 “Friends” and a “News Feed,” which highlights information about the user’s “Friends,”
25 such as profile changes, upcoming events, and birthdays.

26 12. Facebook users can select different levels of privacy for the
27 communications and information associated with their Facebook accounts. By adjusting
28 these privacy settings, a Facebook user can make information available only to himself or

1 herself, to particular Facebook users, or to anyone with access to the Internet, including
2 people who are not Facebook users. A Facebook user can also create “lists” of Facebook
3 friends to facilitate the application of these privacy settings. Facebook accounts also
4 include other account settings that users can adjust to control, for example, the types of
5 notifications they receive from Facebook.

6 13. Facebook users can create profiles that include photographs, lists of
7 personal interests, and other information. Facebook users can also post “status” updates
8 about their whereabouts and actions, as well as links to videos, photographs, articles, and
9 other items available elsewhere on the Internet. Facebook users can also post information
10 about upcoming “events,” such as social occasions, by listing the event’s time, location,
11 host, and guest list. In addition, Facebook users can “check in” to particular locations or
12 add their geographic locations to their Facebook posts, thereby revealing their geographic
13 locations at particular dates and times. A particular user’s profile page also includes a
14 “Wall,” which is a space where the user and his or her “Friends” can post messages,
15 attachments, and links that will typically be visible to anyone who can view the user’s
16 profile.

17 14. Facebook allows users to upload photos and videos. It also provides users
18 the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is
19 tagged in a photo or video, he or she receives a notification of the tag and a link to see the
20 photo or video. For Facebook’s purposes, the photos and videos associated with a user’s
21 account will include all photos and videos uploaded by that user that have not been
22 deleted, as well as all photos and videos uploaded by any user that have that user tagged
23 in them.

24 15. Facebook users can exchange private messages on Facebook with other
25 users. These messages, which are similar to e-mail messages, are sent to the recipient’s
26 “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well
27 as other information. Facebook users can also post comments on the Facebook profiles
28 of other users or on their own profiles; such comments are typically associated with a

1 specific posting or item on the profile. In addition, Facebook has a Chat feature that
2 allows users to send and receive instant messages through Facebook. These chat
3 communications are stored in the chat history for the account. Facebook also has a Video
4 Calling feature, and although Facebook does not record the calls themselves, it does keep
5 records of the date of each call.

6 16. If a Facebook user does not want to interact with another user on Facebook,
7 the first user can “block” the second user from seeing his or her account.

8 17. Facebook has a search function that enables its users to search Facebook for
9 keywords, usernames, or pages, among other things.

10 18. Each Facebook account has an activity log, which is a list of the user’s
11 posts and other Facebook activities from the inception of the account to the present. The
12 activity log includes stories and photos in which the user has been tagged, as well as
13 connections made through the account, such as “liking” a Facebook page or adding
14 someone as a friend. The activity log is visible to the user but cannot be viewed by
15 people who visit the user’s Facebook page.

16 19. Facebook Notes is a blogging feature available to Facebook users, and it
17 enables users to write and post notes or personal web logs (“blogs”), or to import their
18 blogs from other services, such as Xanga, LiveJournal, and Blogger.

19 20. In addition to the applications described above, Facebook also provides its
20 users with access to thousands of other applications on the Facebook platform. When a
21 Facebook user accesses or uses one of these applications, an update about that the user’s
22 access or use of that application may appear on the user’s profile page.

23 21. Some Facebook pages are affiliated with groups of users, rather than one
24 individual user. Membership in the group is monitored and regulated by the
25 administrator or head of the group, who can invite new members and reject or accept
26 requests by users to enter. Facebook can identify all users who are currently registered to
27 a particular group and can identify the administrator and/or creator of the group.

28 Facebook uses the term “Group Contact Info” to describe the contact information for the

1 group's creator and/or administrator, as well as a PDF of the current status of the group
2 profile page.

3 22. Facebook uses the term "Neoprint" to describe an expanded view of a given
4 user profile. The "Neoprint" for a given user can include the following information from
5 the user's profile: profile contact information; News Feed information; status updates;
6 links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists,
7 including the friends' Facebook user identification numbers; groups and networks of
8 which the user is a member, including the groups' Facebook group identification
9 numbers; future and past event postings; rejected "Friend" requests; comments; gifts;
10 pokes; tags; and information about the user's access and use of Facebook applications.

11 23. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP
12 address. These logs may contain information about the actions taken by the user ID or IP
13 address on Facebook, including information about the type of action, the date and time of
14 the action, and the user ID and IP address associated with the action. For example, if a
15 user views a Facebook profile, that user's IP log would reflect the fact that the user
16 viewed the profile, and would show when and from what IP address the user did so.

17 24. Social networking providers like Facebook typically retain additional
18 information about their users' accounts, such as information about the length of service
19 (including start date), the types of service utilized, and the means and source of any
20 payments associated with the service (including any credit card or bank account number).
21 In some cases, Facebook users may communicate directly with Facebook about issues
22 relating to their accounts, such as technical problems, billing inquiries, or complaints
23 from other users. Social networking providers like Facebook typically retain records
24 about such communications, including records of contacts between the user and the
25 provider's support services, as well as records of any actions taken by the provider or
26 user as a result of the communications.

27 25. Therefore, the computers of Facebook are likely to contain all the material
28 described above, including stored electronic communications and information concerning

1 subscribers and their use of Facebook, such as account access information, transaction
2 information, and other account information. I believe such information is likely to
3 constitute evidence of the drug trafficking crimes currently under investigation.

4 **SUMMARY OF PROBABLE CAUSE**

5 26. The information set forth in this Affidavit consists of information I have
6 gathered and observed firsthand through the course of this investigation to date, as well
7 as information relayed to me by other law enforcement personnel, my review of law
8 enforcement reports, interviews of witnesses, and my review and analysis of toll records.
9 Since I am submitting this Affidavit for the limited purpose of obtaining authorization to
10 search SUBJECT ACCOUNT 10 as described herein, I have not included every fact
11 known to me concerning this investigation. I have set forth only the facts that I believe
12 are essential to establish the necessary foundation for the issuance of such warrant.

13 ***Background Information Regarding Investigation***

14 27. CS1 agreed to cooperate with law enforcement in 2017, in exchange for
15 judicial considerations. CS1 was arrested by members of the Bremerton Police
16 Department (BPD) Special Operations Group (SOG) for his/her involvement in drug
17 trafficking. CS1 cooperated with SOG and provided them with information about a
18 group of Mexican drug traffickers who were distributing large amounts of heroin in the
19 Puget Sound region. CS1 advised SOG that he/she had been selling various controlled
20 substances for several years and had been in contact with several of the people within this
21 group of Mexican drug traffickers, which agents have identified as the CASTRO DTO.

22 28. Within that organization, CS1 connected with a prominent drug trafficker
23 whom the CS knew as "Juan" or "Jose." CS1 believed the individual he/she knew as
24 "Juan" was the local leader of the drug distribution at that time, and was later promoted
25 to a larger role in the DTO. BPD Detective Jordan Ejde located a Facebook account
26 under the name of "Juan Andres CASTRO Valenzuela" (Subject Account 2, the target of
27 a prior search warrant issued by this Court)) that CS1 and other local suspected drug
28 dealers were associated with. Det. Ejde questioned CS1 about the account and CS1

1 confirmed CASTRO was the male whom he/she referred to as "Juan" or "Jose." CS1
2 also showed Det. Ejde messages confirming that CASTRO had been in (then) recent
3 contact with the CS, using Subject Account 2. According to CS1 and the Facebook data
4 he/she provided, CS1 had been talking to CASTRO via Facebook Messenger for
5 purposes of making drug transactions since approximately June of 2016.

6 29. A review of the CS's Facebook account showed CASTRO also contacted
7 CS1 from additional Facebook accounts under the names of "REBECA SPENCER"
8 (Subject Account 5), "ANNEL BAKER" (Subject Account 4), and "KATHERINE
9 THOMAS" (Subject Account 1). All three of those accounts have also been the target of
10 search warrants issued by this Court. A review of CS1's phone showed CASTRO also
11 used Mexican phone numbers 52-668-199-4039, 52-668-248-4230, 52-668-225-5890,
12 and 52-668-199-5533 to communicate with CS1 via text message and voice calls.
13 Subject Account 1 and phone number 52-668-199-4039 were CASTRO's most current
14 methods of drug related communications with CS1 (at that time).

15 30. Det. Ejde and Special Agent (SA) Anthony DelVecchio confirmed
16 CASTRO's identity via the Washington State Department of Licensing (WADOL).
17 Specifically, CASTRO's WADOL photograph matches that of the individual depicted on
18 Subject Account 2. Furthermore, according to a law enforcement database, CASTRO
19 was involved as a suspected "cell head" for heroin distribution in the Everett area during
20 a DEA investigation that took place in 2012. Special Agent DelVecchio researched this
21 prior DEA case and found that CASTRO was, in fact, the primary target of investigation
22 within that case.

23 31. Based on how CASTRO first interacted with CS1, I believe CASTRO used
24 Subject Account 2 for initially contacting his suspected drug redistributors/customers.
25 When CASTRO first contacted the CS via Facebook Messenger, he used Subject
26 Account 2. After a brief introduction utilizing Subject Account 2, CASTRO switched
27 over to a more discrete account(s), e.g., Subject Account 4 and/or Subject Account 5, for
28 the actual organizing of the suspected drug transactions. I believe that by having a

1 picture of himself [CASTRO] as the account user for Subject Account 2, it helped his
2 redistributors/customers recognize him in addition to him building a rapport with them.

3 32. CASTRO used Subject Account 1, Subject Account 2, Subject Account 4,
4 Subject Account 5, and an account under the name "ALISSA KEYSER" (Subject
5 Account 6, also the target of a search warrant issued by this Court), as well as various
6 telephone numbers, to set up drug deals with CS1.

7 33. SOG used CS1 to conduct six controlled buys of suspected heroin from the
8 CASTRO DTO. Once the DEA began working with SOG, investigators used CS1 to
9 conduct a seventh controlled purchase toward the end of October 2017. CS1 was able to
10 introduce an undercover DEA agent (UC) to the CASTRO DTO towards the end of 2017.

11 34. CS1's criminal history includes a felony conviction for
12 Manufacture/Deliver a Schedule I/II Narcotic in 2013, gross misdemeanor convictions
13 for Fourth Degree Assault in 2015 and Third Degree Malicious Mischief in 2011, as well
14 as misdemeanor convictions for Third Degree Driving With a Suspended or Revoked
15 License in 2018 and 2008, Indecent Exposure in 2013, and Third Degree Malicious
16 Mischief in 2006.

17 35. Unfortunately, CS1 was battling heroin addiction for most of the time
18 he/she was working with agents. Agents provided CS1 with access to drug treatment
19 programs and got CS1 enrolled in a rehabilitation center; they even arranged for atypical
20 expense reimbursements for CS1. Rather than cash reimbursement for expenses incurred
21 during government operations, agents provided CS1 with food cards or gasoline—things
22 that were not readily convertible into cash. Agents did so at the request of CS1, so he/she
23 would not be tempted to purchase drugs with any excess money. These methods worked
24 for a time, and CS1 successfully completed several months of his/her rehabilitation
25 program before staff asked CS1 to leave due to his/her attitude problems and problems
26 with other rehabilitation patients.

27 36. CS1 continued to help agents by providing information about the DTO and
28 helping to build the UC's reputation. However, CS1 relapsed into heroin use in the

1 spring of 2018. This time, CS1 quite rapidly spiraled downward into an almost paranoid
2 and delusional state. Agents determined they could no longer use CS1 for any
3 investigative purposes, but tried once again to get CS1 some help with his/her drug
4 problem. Unfortunately, CS1 was not as amenable on this occasion and shunned agents'
5 attempts at providing assistance. In May 2018, local police arrested CS1 and charged
6 him/her with residential burglary (felony) and driving with a suspended or revoked
7 license (misdemeanor). SOG deactivated CS1 in May 2018 due to CS1's substance
8 abuse issues. However, agents found CS1's information to be reliable during the time
9 agents utilized him/her to gather information.

10 ***Undercover Controlled Purchase #1 Utilizing Subject Account 1***

11 37. In early November 2017, SOG provided DEA agents, including an
12 undercover agent (the UC) with the various phone numbers and Facebook accounts they
13 believed CASTRO and SARMIENTO used for drug trafficking purposes.

14 38. On November 14, 2017, CS1 sent the UC an invitation to join a group
15 Facebook Messenger chat session, which linked the UC in communication with Subject
16 Account 1. CASTRO and the UC then engaged in conversation regarding CASTRO's
17 pricing for heroin. On November 16, 2017, agents conducted an undercover purchase of
18 heroin from CASTRO (through one of the DTO's couriers) in Tacoma, Washington. The
19 UC contacted CASTRO on 52-668-199-4039 (Target Telephone 1 or TT1) and through
20 Subject Account 1 prior to this transaction in order to facilitate the meeting.

21 39. After the UC met with the courier and the transaction was completed,
22 agents transported the suspected heroin to the DEA Tacoma Resident Office where it was
23 weighed at approximately 87.4 gross grams.

24 ***Undercover Controlled Purchase #2 Utilizing Subject Account 1***

25 40. On November 27, 2017, the UC received a text message from CASTRO
26 (TT1). During this conversation, the UC and CASTRO discussed a future drug
27 transaction for four ounces of heroin that would later occur on November 30, 2017. On
28 November 30, the UC again met with the DTO's courier, this time in Federal Way,

1 Washington. Prior to the controlled buy, the UC initiated a Facebook Messenger
2 conversation with CASTRO through Subject Account 1. Using Subject Account 1,
3 CASTRO told the UC that he changed the meet location from the Tacoma Mall to
4 Federal Way, Washington. After the UC arrived at the new meeting location, he/she
5 received two calls from CASTRO. Of note, Facebook Messenger has telephone call
6 capabilities as well as video chat. The first phone call came through Facebook
7 Messenger under Subject Account 1, and the second call came from TT1.

8 41. The courier eventually arrived in at the new meeting location, and the UC
9 and the courier completed the transaction. Agents transported the suspected heroin to the
10 TRO where it was weighed at approximately 136.1 gross grams.

11 42. Shortly after the UC and the courier parted ways, CASTRO sent a large
12 "thumbs up" graphic to the UC via Subject Account 1, indicating a successful drug
13 transaction.

14 ***Undercover Controlled Purchase #3 Utilizing Subject Account 1***

15 43. On December 15, 2017, at 11:16 a.m., the UC attempted to call CASTRO
16 via Subject Account 1 on Facebook Messenger. CASTRO did not answer the call, but
17 typed a response at 11:17 a.m. In those communications and others exchanged that day,
18 CASTRO and the UC arranged a deal to take place in Kent, Washington.

19 44. At approximately 1:45 p.m., the UC observed a vehicle pull up and park
20 next to him. The UC exited his vehicle, got into the vehicle's front passenger seat, and
21 greeted the same DTO courier who delivered the heroin to the UC during the first two
22 controlled buys. The UC and the courier completed their transaction, and at 1:54 p.m.,
23 CASTRO sent a large "thumbs up" graphic to the UC via Subject Account 1 on Facebook
24 messenger.

25 ***Federal Search Warrant for Subject Account 1***

26 45. On January 3, 2018, Special Agent Samuel Landis obtained a search
27 warrant from the United States District Court for the Western District of Washington for
28 Subject Account 1, believed to be used by CASTRO in order to network and facilitate

1 suspected drug transactions. On January 17, 2018, during a search of the Facebook
2 Messenger portion of the returned warrant materials, Special Agent Landis found
3 numerous suspected drug conversations between CASTRO and individuals whom agents
4 believe, based on the content of those conversations and those individuals' respective
5 criminal histories, are his drug redistributors/customers.

6 46. During a search of the "Cookies" portion of Subject Account 1, Special
7 Agent Landis found Subject Account 3 and Subject Account 4 listed as accounts linked to
8 Subject Account 1. On February 27, 2018, he contacted Facebook Support and asked
9 how the accounts linked to each other, based on the data Facebook had provided.
10 Facebook Support staff informed me that Subject Account 1, Subject Account 3, and
11 Subject Account 4 were all accessed by the same electronic device (one that is capable of
12 accessing the World Wide Web) and under the same "cookie." A "cookie" is a personal
13 identifier for a specific browser that links to particular web portal. This means CASTRO
14 used the same electronic device to access Subject Account 1, Subject Account 3, and
15 Subject Account 4. The electronic device CASTRO uses remembers his web signature or
16 "cookie" by storing his unique web browsing on Facebook. Anytime CASTRO reuses
17 the same electronic device to browse the web, e.g., Facebook, the device remembers his
18 web identifiers for him.

19 ***Federal Search Warrant for Subject Accounts 1 Through 6***

20 47. On March 8, 2018, Special Agent Landis obtained a search warrant from
21 the United States District Court for the Western District of Washington for Subject
22 Accounts 1 through 6, all of which he believed to be used by CASTRO in order to
23 network and facilitate suspected drug transactions. On March 29, 2018, during a search
24 of the Facebook Messenger portion of Subject Accounts 1 through 3 and 5 through 6¹ of
25 the returned warrant materials, Special Agent Landis again found numerous suspected
26

27 ¹ According to the Facebook Law Enforcement Response Team, Special Agent Landis's historical data request for
28 Subject Account 4 could not be processed because Subject Account 4 no longer existed.

1 drug conversations between CASTRO and individuals whom agents believe are his drug
2 redistributors/customers. Furthermore, during a search of the "Cookies" portion of
3 Subject Accounts 3 and 6, he found Subject Account 7 (registered under the name
4 "GINA MORRIS") listed as an account that was accessed by the same electronic device
5 and under the same "cookie" as the aforementioned accounts.

6 48. When Special Agent Landis looked at Subject Account 7's friends list and
7 compared it to the other Subject Accounts' friend lists (with the exception of Subject
8 Account 4), he found that the accounts all had multiple friends in common. Among the
9 common friends were accounts that had been in contact with Subject Account 1, Subject
10 Account 5, and Subject Account 6 for the purposes of organizing suspected drug
11 transactions.

12 ***CASTRO Uses Subject Account 7 to Contact the CS***

13 49. On April 9, 2018, CASTRO contacted CS1 using Subject Account 7 to
14 have CS1 help him register a white 2008 Honda Accord in Washington in exchange for
15 "stuff," or what Special Agent Landis believed to be heroin. CASTRO and CS1 arranged
16 the vehicle registration to take place on April 10, 2018

17 50. During the morning hours of April 10, 2018, BPD Det. Ejde and Sergeant
18 Billy Renfro met with CS1 at a secure meeting location and searched the CS for any
19 contraband items, finding none. CASTRO contacted CS1 using Subject Account 7 to
20 finalize their plans. During these messaging exchanges, agents on surveillance at the
21 licensing office (located at 15600 Northeast 8th Street at the Bellevue Crossroads Mall)
22 did not see any of the known target vehicles in this investigation nor did they see the
23 white Honda Accord. Agents suspected CASTRO's associates might have been at a
24 different licensing office in Bellevue (13133 Bel-Red Road, based on CS1's prior
25 conversations with CASTRO). At about 10:00 a.m., agents brought CS1 to the licensing
26 office at the Crossroads Mall and maintained constant surveillance of CS1 from that point
27 onward. Agents outfitted CS1 with a recording/transmitting device (EMD) once he/she
28 was in place at the Crossroads Mall. At 10:17 a.m., CS1 electronically shared his/her

1 location with CASTRO and continued his/her messaging conversation with CASTRO
2 using Subject Account 7. In the conversation, CS1 confirmed his/her current location
3 with CASTRO and, about twenty minutes later, agents saw another identified DTO
4 courier and a male later identified as Juan Jose HIGUERA Gonzalez arrive at the Bel-
5 Red Auto Licensing.

6 51. After the registration process (and a subsequent lunch) was complete, the
7 courier, HIGUERA, and CS1 met briefly in the parking lot, where the courier provided
8 CS1 with approximately 20 grams of suspected heroin. CS1 met with Special Agent
9 DelVecchio and Det. Ejde at a secure location and provided them with the 20 grams of
10 suspected heroin. Special Agent DelVecchio and Det. Ejde searched CS1 for contraband
11 items and did not find any items during that search. CS1 later told Special Agent
12 DelVecchio and Det. Ejde that the suspected heroin was the CS's "payment" for taking
13 care of the vehicle registration and insurance, as CS1 and CASTRO had discussed on
14 April 9, 2018.

15 ***Subject Account 8 Contacts CS***

16 52. On April 27, 2018, CS1 contacted agents in regards to his/her recent
17 contact with CASTRO. According to CS1, he/she believed CASTRO created a new
18 Facebook account in order to contact his suspected local drug contacts in the Western
19 Washington area. After agents acquired the account information from CS1, agents
20 located Subject Account 8 (registered under the name "CHRIS HOLDFORD") on
21 Facebook and, during a search of Subject Account 8's friends list, found that the majority
22 of the people listed were also on the friends lists for Subject Accounts 1 through 7.
23 Given this similarity between all eight Subject Accounts and CASTRO's use of Facebook
24 accounts to communicate with his drug clientele (including CS1) in order to set up drug
25 deals, agents believe CASTRO created Subject Account 8 for the sole purpose of
26 connecting with his suspected drug clientele in order to further his suspected drug
27 transactions.

1 53. On July 3, 2018, Special Agent Landis obtained a search warrant from the
2 United States District Court for the Western District of Washington for Subject Account
3 8, which he believed CASTRO used in order to network and facilitate suspected drug
4 transactions. On July 19, 2018, during a search of the Facebook Messenger portion of the
5 returned warrant materials, Special Agent Landis did not find any messages. This was
6 highly unusual based on past UC interactions with CASTRO over Facebook Messenger
7 and information previously gathered from the returned warrant materials for Subject
8 Accounts 1 through 7. Special Agent Landis contacted Facebook support staff via email
9 on July 20, 2018, to find out if there were any missing materials not included in the
10 documents provided. Days later, he received a phone call from Facebook's support staff.
11 During this call, Special Agent Landis explained that in many of his previously
12 authorized requests, he had not experienced the absence of information. Facebook
13 support staff told him the user of Subject Account 8 may have deleted all of his
14 conversations over Facebook Messenger. According to Facebook's support staff, if a
15 Subject Account user deletes his/her conversations over Facebook Messenger, Facebook
16 cannot provide the information, even if a search warrant is executed on a Subject
17 Account. This is because Facebook simply does not store deleted Facebook Messenger
18 messages/conversations. However, with a preservation request, Facebook can preserve
19 materials deleted by a Subject Account user and later produce them upon receipt of a
20 court order (warrant). With a preservation request, Facebook will store any deleted
21 conversations for any Subject Account for up to 90 days for law enforcement personnel.

22 54. Despite the absence of Facebook Messenger materials for Subject Account
23 8 from the search warrant return, Special Agent Landis did receive other data associated
24 with the Subject Account. Specifically, the phone number (TT20) associated with
25 Subject Account 8 was one agents previously identified as being used by the CASTROs.
26 On July 10, 2018, agents conducted an undercover purchase of suspected heroin from the
27 CASTRO DTO, through HIGUERA. The UC contacted the CASTRO brothers (on
28 TT20) shortly after 11:00 a.m. and asked for "2 pieces" (or 50 grams) of heroin. The

1 CASTROs agreed to do the deal for \$2,150. The subsequent transaction between the UC
2 and HIGUERA lasted less than one minute. The UC provided HIGUERA with \$2,150 of
3 DEA buy money and HIGUERA provided the UC with a substance that field-tested
4 positive for the presence of heroin and weighed 83.4 gross grams (with packaging).

5 ***Discovery of Subject Account 9***

6 55. During the search of the "Cookies" portion of the returned warrant
7 materials for Subject Account 8, Special Agent Landis found Subject Account 1, Subject
8 Account 3, Subject Account 6, Subject Account 7, and an account under the name
9 "RUDY JACKSON" (Subject Account 9) listed as accounts accessed by the same
10 electronic device and under the same "cookie." Again, this indicates a very high
11 probability that the same person(s) (i.e., the CASTROs) is using all of these Subject
12 Accounts, including Subject Account 9, since the same electronic device (i.e., computer,
13 cell phone, or the like) is accessing all of the accounts.

14 56. When Special Agent Landis examined Subject Account 9's friends list and
15 compared it to the other Subject Accounts' friend lists (with the exception of Subject
16 Account 4), he found that the accounts all had multiple friends in common. Additionally,
17 agents have previously identified most of these "friends" as suspected drug customers,
18 further indicating the CASTROs are utilizing Subject Account 9 as a means of
19 connecting with their suspected drug customers.

20 57. On July 23, 2018, Special Agent Landis submitted a preservation request
21 for Subject Account 9 through Facebook's law enforcement web portal in an effort to
22 capture future suspected drug related conversations over Subject Account 9, should the
23 CASTROs continue their pattern of deleting Facebook Messenger conversations as they
24 had apparently done with Subject Account 8.

25 ***Discovery of SUBJECT ACCOUNT 10***

26 58. On August 15, 2018, Special Agent Landis obtained a search warrant from
27 the United States District Court for the Western District of Washington for Subject
28 Account 9, which I believe CASTRO used in order to network and facilitate suspected

1 drug transactions. When I examined Subject Account 9's friends list, it included seven
2 individuals who had a mutual friend named "STEVE.LARSON.750983" (SUBJECT
3 ACCOUNT 10). Analysis of SUBJECT ACCOUNT 10's friends list with the previous
4 Subject Accounts' friends list (with the exception of Subject Account 4) revealed they all
5 had multiple friends in common. Agents have previously identified most of these
6 "friends" as suspected drug customers of the CASTROs.

7 59. Additionally, data from Subject Account 9 included a telephone number,
8 52-668-171-2538, which agents have previously identified as being used by the
9 CASTROs. Based on phone toll analysis, 52-668-171-2538 is in contact with Devon
10 MEYER, who has consistently been on the friends lists for the Subject Accounts
11 discussed herein. MEYER is also included on SUBJECT ACCOUNT 10's friends list,
12 further indicating the CASTROs are utilizing SUBJECT ACCOUNT 10. Based on my
13 training and experience, and the information set forth in this Affidavit, I believe there is
14 probable cause to believe that the CASTROs are utilizing SUBJECT ACCOUNT 10 for
15 the same purposes they utilized Subject Accounts 1 through 9, that is, to contact their
16 suspected drug customers.

17 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

18 60. I anticipate executing this warrant under the Electronic Communications
19 Privacy Act, in particular Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A)
20 and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the
21 government copies of the records and other information (including the content of
22 communications) particularly described in Section I of Attachment B. Upon receipt of
23 the information described in Section I of Attachment B, government-authorized persons
24 will review that information to locate the items described in Section II of Attachment B.

25 61. As indicated in the Motion for Nondisclosure and Motion to Seal that
26 accompany this Affidavit, the government requests, pursuant to the preclusion of notice
27 provisions of Title 18, United States Code, Section 2705(b), that Facebook be ordered not
28 to notify any person (including the subscriber or customer to which the materials relate)

1 of the existence of this warrant for such period as the Court deems appropriate. The
2 government submits that such an order is justified because notification of the existence of
3 this Order would seriously jeopardize the ongoing investigation. Such a disclosure would
4 give the subscriber an opportunity to destroy evidence, change patterns of behavior,
5 notify confederates, or flee from prosecution. Notifying our targets of the existence of
6 this investigation will likely cause them to destroy evidence, flee the jurisdiction, or alter
7 their methods, thus making it more difficult to dismantle the organization effectively.
8 Notice also could put the CS, UC, and agents working with them in danger

9 62. It is further respectfully requested that this Court issue an order sealing all
10 papers submitted in support of this application, including the application and search
11 warrant, until such dates as provided in the proposed Order. I believe that sealing this
12 document is necessary because the items and information to be seized are relevant to an
13 ongoing investigation. Premature disclosure of the contents of this Affidavit and related
14 documents may have a significant and negative impact on the continuing investigation
15 and may severely jeopardize its effectiveness.

16 **COMMON CHARACTERISTICS OF DRUG TRAFFICKERS**

17 63. Based on my training and experience, including experience obtained
18 through participation in this and other investigations involving the distribution of
19 controlled substances, including those targeting long-term conspiracies responsible for
20 the distribution of controlled substances, and based upon my consultation with other
21 experienced law enforcement agents and officers, I know that:


22 a. Drug trafficking conspiracies, especially those involving large amounts of
23 narcotics and interstate shipments, usually take place over several months or years, and
24 continue to operate even when enforcement activity results in arrests and/or seizures of
25 drugs and/or money.

26 b. Those involved in the distribution of illicit drugs often communicate by
27 telephone in connection with their illegal activities in order to set up meetings with
28

1 coconspirators, conduct drug transactions, or to arrange for the transportation drugs or
2 drug proceeds.

3 CONCLUSION

4 64. Based upon the information which has been uncovered during the course of
5 this investigation, and on the advice, experience, knowledge of other agents and officers
6 involved in this investigation, I believe these facts establish probable cause to conclude
7 that SUBJECT ACCOUNT 10 has been used, and will continue to be used, to facilitate
8 violations of the Controlled Substances Act, specifically distribution of narcotics,
9 conspiracy, and related offenses in the Western District of Washington, and elsewhere, in
10 violation of the Controlled Substances Act, Title 21, United States Code, Sections 841
11 and 846.

12
13 
14 Steven Meyer,
15 Special Agent
16 Drug Enforcement Administration

17 Subscribed and sworn to before me this ^{12th} ~~12th~~ day of October, 2018.

18
19 
20 J. RICHARD CREATURA
21 UNITED STATES MAGISTRATE JUDGE
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ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the following account, identified by Facebook user ID: steve.larson.750983 ("SUBJECT ACCOUNT 10"), for all such information that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California. This warrant is limited to information created after June 16, 2016.

ATTACHMENT B**Particular Things to be Seized****I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under Title 18, United States Code, Section 2703(f), Facebook is required to disclose the following information to the government for the user IDs listed in Attachment A ("SUBJECT ACCOUNT 10"):

A. The following information about the customer or subscriber of SUBJECT ACCOUNT 10:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity log for SUBJECT ACCOUNT 10, and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos in their original format, including EXIF information (metadata), uploaded by that user ID and all photos and videos in their original format, including EXIF information (metadata), uploaded by any user that have that user tagged in them;
- (d) All other records of communications and messages made or received by the user, including all private messages, chat history, calling history, and pending "Friend" requests;
- (e) All "check ins" and other location information;
- (f) All IP logs, including all records of the IP addresses that logged into SUBJECT ACCOUNT 10;

- 1 (g) All past and present lists of friends created by SUBJECT ACCOUNT 10;
- 2 (h) All records of Facebook searches performed by SUBJECT ACCOUNT 10;
- 3 (i) The length of service (including start date);
- 4 (j) The means and source of payment for such service (including any credit
- 5 card or bank account number) and billing records;
- 6 (k) All records pertaining to communications between Facebook and any
- 7 person regarding the user or the user's Facebook account, including
- 8 contacts with support services and records of actions taken;
- 9 (l) Names (including subscriber names, Facebook user IDs, and screen
- 10 names);
- 11 (m) Addresses (including mailing addresses, residential addresses, business
- 12 addresses, and e-mail addresses);
- 13 (n) Local and long distance telephone connection records;
- 14 (o) Linked accounts; and
- 15 (p) Telephone or instrument numbers or identities (including MAC addresses).
- 16 B. All records and other information (not including the contents of communications)
- 17 relating to SUBJECT ACCOUNT 10, including:
- 18 (a) Records of user activity for each connection activity for each connection
- 19 made to or from SUBJECT ACCOUNT 10, including log files; messaging
- 20 logs; the date, time, length, and method of connections; data transfer
- 21 volume; user names; and source and destination of Internet Protocol
- 22 addresses;
- 23 (b) Information about each communication sent or received by SUBJECT
- 24 ACCOUNT 10, including the date and time of the communication, the
- 25 method of the communication (such as source and destination email
- 26 addresses, IP addresses, and telephone numbers); and
- 27 (c) Records of any Facebook accounts that are linked to SUBJECT
- 28 ACCOUNT 10 by machine cookies (meaning all Facebook user IDs that

1 logged into Facebook by the same machine or device as SUBJECT
2 ACCOUNT 10).

3 **II. Information to be seized by the government**

4 All information described above in Section I that relates to the ongoing narcotics
5 investigation described in the Affidavit, including, for the user ID identified on
6 Attachment A, information pertaining to the following matters:

- 7 (a) Any content including e-mails, messages, texts, photographs (including
8 metadata), videos (including metadata), visual images, documents,
9 spreadsheets, address lists, contact lists or communications of any type
10 which could be used to identify the user and or their location.
- 11 (b) Records relating to who created, used, or communicated with the user ID,
12 including records about their identities and whereabouts.
- 13 (c) All subscriber records associated with SUBJECT ACCOUNT 10, including
14 names, addresses, local and long distance telephone connection records, or
15 records of session times and durations, length of service (including start
16 date) and types of service utilized, telephone or instrument number or other
17 subscriber number or identity, including any temporarily assigned network
18 address, and means and source of payment for such service including any
19 credit card or bank account number.
- 20 (d) Any and all other log records, including IP address captures, associated
21 with SUBJECT ACCOUNT 10; and
- 22 (e) Any records of communications between Facebook and any person about
23 issues relating to the account, such as technical problems, billing inquiries,
24 or complaints from other users about SUBJECT ACCOUNT 10. This is to
25 include records of contacts between the subscriber and the provider's
26 support services, as well as records of any actions taken by the provider or
27 subscriber as a result of the communications.
- 28